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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,749	07/09/2001	Richard Rodenbusch	066416.0106	8455
33438	7590	02/08/2005	EXAMINER	
HAMILTON & TERRILE, LLP P.O. BOX 203518 AUSTIN, TX 78720			AGDEPPA, HECTOR A	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/901,749	RODENBUSCH ET AL.	
	Examiner	Art Unit	
	Hector A. Agdeppa	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49,50,56 is/are allowed.
- 6) ☒ Claim(s) 51-55 and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 10/11/2004 has been entered. After consideration, examiner is responding with this non-final office action. Claims 1 – 48 have been canceled. Claims 49 – 57 have been added.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 52 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 52 recites the limitation "the campaign." There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 51 – 55, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5,963,635 to Szlam et al. in view of applicant's admitted prior art.

Regarding claim 51, Szlam et al. discloses a "Method and apparatus for providing result oriented customer service". The invention relates to automated customer service systems and, more particularly, is an automated customer service system, which accommodates both inbound and outbound communications (i.e. a system for distributing outbound telephone calls), which uses a variety of media, and which has a user-programmable strategy, so as to provide result-oriented customer service [see Szlam et al. col. 1, line 10]. With reference to Szlam et al. Fig. 1, the invention comprises agent workstations (12) (i.e. provide a plurality of telephone calls to one or more agent s), a modem server (17), a facsimile server (18), a switch (13), and a system controller (11) (i.e. distribution module), which is coupled to the other devices via network (14) (i.e. interfaced with the plurality of dialing devices). According to the invention, the controller (11) obtains one or more calling lists (i.e. including a plurality of pools) from a host (10), each calling list containing call records (i.e. the distribution module operable to place the call records into the pools) [see Szlam et al. col. 9, line

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25]. Each calling list is for a different campaign and the call records contained therein are for processing by agent workstations (12), modem server (17) and facsimile server (18) (i.e. operable to receive a plurality of call records). The controller (11) establishes several queues for each campaign (i.e. plurality of queues) [see Szlam et al. col. 9, line 35]. One of these queues is a 'to-be-called' queue, which initially will contain a list of all the records associated with a specific campaign, as opposed to global list of all the records (i.e. transfer less than all of the call records from the pools to the queues). Other queues, such as the fax queue and modem queue, contain lists of numbers to which specific types of messages are to be sent (i.e. facsimile messages and electronic mail messages) [see Szlam et al. col. 9, line 40].

What Szlam et al. does not teach is a plurality of dialing devices as the above-mentioned agents are connected to/provided with calls from, one switch (13).

However, as applicant admits on page 3, lines 16 – 23, of the specification for the present invention, it is common and well known in the prior art to have a plurality of dialing devices in a call center.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have implemented more than one switch or dialing device inasmuch as adding more dialing devices does not alter the functionality of Szlam et al. at issue, but merely expands capacity, an old and well known motivation. Some call centers are so overburdened with calls that more than one dialing device is needed to handle the overload of calls. Other motivations include having dialing devices

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distributed over a large geographical area, obviating the need for all agents of an ACD/organization to physically be in one location

Interpreted in another way, each agent workstation 12A – 12N (Fig. 1 of Szlam et al.) can be read as the claimed plurality of dialing devices inasmuch as the workstation includes either a telephone or computer or both to allow the agent to communicate with the customer. Moreover, as seen in Col. 19, lines 9 – 23 of Szlam et al.), an agent workstation can receive customer profile information for display, wherein the profile information is the call/customer record. (Col. 19, lines 33 – 65 of Szlam et al.) Every time a call is made, a call record is displayed on the agent workstation. Finally, the one switch 13 could be interpreted to read on the claimed distribution module, as a switch/ACD is the system element that ultimately distributes calls to agents and allows calls to be placed by agents. Note that in Col. 12, lines 24 – 25, Szlam et al. teaches performing both inbound and outbound calls.

Note that Szlam et al. teaches transferring call records from a plurality of different campaigns, reading on the claimed first and second pools to various queues, such as to-be-called queues, modem queues, fax queues, etc, reading on the claimed first and second queues. (Col. 9, line 27 – 62 of Szlam et al.)

What Szlam et al. also does not explicitly teach is transferring call records from a first pool to first and second queues when a second pool is empty.

However, Szlam et al. teaches, as is well known in the art, moving agents from a completed or suspended campaign to another campaign. (Col. 3, lines 24 – 30, Col. 10, lines 53 – 67 of Szlam et al.) If for example, one campaign has no calls left to make, it

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is terminated, after which agents originally servicing that campaign are shifted to another, still ongoing campaign. While the claimed invention is drawn to transferring call records, the idea of and purpose behind shifting resources to avoid having dead space or idle agents, load-sharing or balancing is the same when agents are transferred. Therefore, ample motivation is available that would make transferring call records from a pool to queues, including empty queues obvious to one of ordinary skill in the art at the time the invention was made.

Regarding claims 52 and 57, the subject matter claimed is similar in scope to claim 51 and is therefore, rejected under the same rationale. Furthermore, as discussed above, the campaign to which an agent would be reassigned does not have to be stopped.

Regarding claim 53, the subject matter claimed is similar in scope to claim 51 and is therefore, rejected under the same rationale. Furthermore, whether the transferring occurs at a pool or queue, or whether it the pool or queue that becomes depleted, again, the idea of not wasting resources is old and well known and would be obvious to one of ordinary skill in the art at the time the invention was made.

Regarding claims 54 and 55, see the rejection of claims 51, 52, 53, and 57, and further note that the invention of Szlam et al. comprises a processing strategy (i.e. plurality of selection rules) that involves defining events, and then defining the actions that should be taken when an event occurs [see Szlam et al. col. 12, line 15]. An event may be, the time of day, the hit rate, the list penetration depth, the disposition of a call, etc. An action may be to start, end or suspend a campaign (i.e. control how the pools

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transfer call records to the queues), to reassign agents from one campaign to another, to start or end callbacks from selected queues, etc. Also, Szlam et al. teaches that the workings of the system can happen concurrently or simultaneously, i.e., different campaigns and the associated transferring of records between those different campaigns and their respective queues may be concurrent. (Col. 4, lines 59 – 67 of Szlam et al.)

Furthermore, Szlam et al teaches prioritizing the various queues as well as the campaigns or pools where more agents are needed to service higher priority campaigns. (Col. 6, lines 18 – 49, Col. 22, lines 4 – 49 of, Col. 23, line 64 – Col. 24, line 14 of Szlam et al.) As discussed above, Szlam et al. teaches transferring calls to queues based on time to be called, how a customer is to be contacted, etc. as well as being able to transfer more records into one queue than another because of higher priority. (Col. 6, lines 44 – 49 of Szlam et al.) Therefore, more agents are needed for higher priority campaigns to accommodate the increased number of records to call.

Allowable Subject Matter

4. Claims 49, 50, and 56 are allowed.

Conclusion

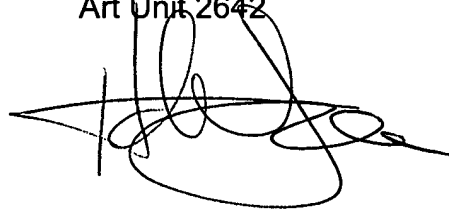
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa
Examiner
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A handwritten signature in black ink, appearing to read 'Hector A. Agdeppa', with a stylized flourish at the end.

January 26, 2005